

HOUSE BILL No. 1331

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-25; IC 3-10; IC 3-11-2-12; IC 6-1.1-17; IC 13-11-2-86; IC 36-1-2; IC 36-6-6-1.

Synopsis: Elimination of township boards. Abolishes township boards. Specifies that: (1) in the case of a township board for which the members were elected in 2010, the township board is abolished on January 1, 2015; and (2) in the case of a township board for which the members were elected in 2012, the township board is abolished on January 1, 2017. Specifies that after a township board is abolished: (1) the county fiscal body is the fiscal body and legislative body of each township in the county; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds.

Effective: Upon passage.

Smith M

January 15, 2014, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1331

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 25. "Fiscal body" means:
3 (1) county council, for a county not having a consolidated city;
4 (2) city-county council, for a consolidated city or county having
5 a consolidated city;
6 (3) common council, for a second or third class city;
7 (4) town council, for a town;
8 (5) ~~township board~~, for a township:
9 (A) **the township board, before the township board is**
10 **abolished under IC 36-6-6-1; and**
11 **(B) the county fiscal body, after the township board is**
12 **abolished under IC 36-6-6-1; or**
13 (6) governing body or budget approval body, for any other
14 political subdivision.
15 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) as provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES



- 1 [] NO
- 2 (e) The offices with candidates for nomination shall be placed on
- 3 the primary election ballot in the following order:
- 4 (1) Federal and state offices:
- 5 (A) President of the United States.
- 6 (B) United States Senator.
- 7 (C) Governor.
- 8 (D) United States Representative.
- 9 (2) Legislative offices:
- 10 (A) State senator.
- 11 (B) State representative.
- 12 (3) Circuit offices and county judicial offices:
- 13 (A) Judge of the circuit court, and unless otherwise specified
- 14 under IC 33, with each division separate if there is more than
- 15 one (1) judge of the circuit court.
- 16 (B) Judge of the superior court, and unless otherwise specified
- 17 under IC 33, with each division separate if there is more than
- 18 one (1) judge of the superior court.
- 19 (C) Judge of the probate court.
- 20 (D) Prosecuting attorney.
- 21 (E) Circuit court clerk.
- 22 (4) County offices:
- 23 (A) County auditor.
- 24 (B) County recorder.
- 25 (C) County treasurer.
- 26 (D) County sheriff.
- 27 (E) County coroner.
- 28 (F) County surveyor.
- 29 (G) County assessor.
- 30 (H) County commissioner.
- 31 (I) County council member.
- 32 (5) Township offices:
- 33 (A) Township assessor (only in a township referred to in
- 34 IC 36-6-5-1(d)).
- 35 (B) Township trustee.
- 36 ~~(C) Township board member.~~
- 37 ~~(D)~~ (C) Judge of the small claims court.
- 38 ~~(E)~~ (D) Constable of the small claims court.
- 39 (6) City offices:
- 40 (A) Mayor.
- 41 (B) Clerk or clerk-treasurer.
- 42 (C) Judge of the city court.



- 1 (D) City-county council member or common council member.
- 2 (7) Town offices:
- 3 (A) Clerk-treasurer.
- 4 (B) Judge of the town court.
- 5 (C) Town council member.
- 6 (f) The political party offices with candidates for election shall be
- 7 placed on the primary election ballot in the following order after the
- 8 offices described in subsection (e):
- 9 (1) Precinct committeeman.
- 10 (2) State convention delegate.
- 11 (g) The local offices to be elected at the primary election shall be
- 12 placed on the primary election ballot after the offices described in
- 13 subsection (f).
- 14 (h) The offices described in subsection (g) shall be placed:
- 15 (1) in a separate column on the ballot if voting is by paper ballot;
- 16 (2) after the offices described in subsection (f) in the form
- 17 specified in IC 3-11-13-11 if voting is by ballot card; or
- 18 (3) either:
- 19 (A) on a separate screen for each office or public question; or
- 20 (B) after the offices described in subsection (f) in the form
- 21 specified in IC 3-11-14-3.5;
- 22 if voting is by an electronic voting system.
- 23 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
- 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 UPON PASSAGE]: Sec. 13. The following public officials shall be
- 26 elected at the general election before their terms of office expire and
- 27 every four (4) years thereafter:
- 28 (1) Clerk of the circuit court.
- 29 (2) County auditor.
- 30 (3) County recorder.
- 31 (4) County treasurer.
- 32 (5) County sheriff.
- 33 (6) County coroner.
- 34 (7) County surveyor.
- 35 (8) County assessor.
- 36 (9) County commissioner.
- 37 (10) County council member.
- 38 (11) Township trustee.
- 39 ~~(12) Township board member.~~
- 40 ~~(13)~~ (12) Township assessor (only in a township referred to in
- 41 IC 36-6-5-1(d)).
- 42 ~~(14)~~ (13) Judge of a small claims court.



1 ~~(15)~~ **(14)** Constable of a small claims court.

2 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 12. The following offices shall be placed on
5 the general election ballot in the following order after the public
6 questions described in section 10(a) of this chapter:

7 (1) Federal and state offices:

8 (A) President and Vice President of the United States.

9 (B) United States Senator.

10 (C) Governor and lieutenant governor.

11 (D) Secretary of state.

12 (E) Auditor of state.

13 (F) Treasurer of state.

14 (G) Attorney general.

15 (H) Superintendent of public instruction.

16 (I) United States Representative.

17 (2) Legislative offices:

18 (A) State senator.

19 (B) State representative.

20 (3) Circuit offices and county judicial offices:

21 (A) Judge of the circuit court, and unless otherwise specified
22 under IC 33, with each division separate if there is more than
23 one (1) judge of the circuit court.

24 (B) Judge of the superior court, and unless otherwise specified
25 under IC 33, with each division separate if there is more than
26 one (1) judge of the superior court.

27 (C) Judge of the probate court.

28 (D) Prosecuting attorney.

29 (E) Clerk of the circuit court.

30 (4) County offices:

31 (A) County auditor.

32 (B) County recorder.

33 (C) County treasurer.

34 (D) County sheriff.

35 (E) County coroner.

36 (F) County surveyor.

37 (G) County assessor.

38 (H) County commissioner.

39 (I) County council member.

40 (5) Township offices:

41 (A) Township assessor (only in a township referred to in
42 IC 36-6-5-1(d)).



- 1 (B) Township trustee.
- 2 ~~(C) Township board member.~~
- 3 ~~(D)~~ (C) Judge of the small claims court.
- 4 ~~(E)~~ (D) Constable of the small claims court.
- 5 (6) City offices:
- 6 (A) Mayor.
- 7 (B) Clerk or clerk-treasurer.
- 8 (C) Judge of the city court.
- 9 (D) City-county council member or common council member.
- 10 (7) Town offices:
- 11 (A) Clerk-treasurer.
- 12 (B) Judge of the town court.
- 13 (C) Town council member.

14 SECTION 5. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006,
 15 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) When formulating an
 17 annual budget estimate, the proper officers of a political subdivision
 18 shall prepare an estimate of the amount of revenue which the political
 19 subdivision will receive from the state for and during the budget year
 20 for which the budget is being formulated. These estimated revenues
 21 shall be shown in the budget estimate and shall be taken into
 22 consideration in calculating the tax levy which is to be made for the
 23 ensuing calendar year. However, this section does not apply to funds
 24 to be received from the state or the federal government for:

- 25 (1) township assistance;
- 26 (2) unemployment relief;
- 27 (3) old age pensions; or
- 28 (4) other funds which may at any time be made available under
- 29 "The Economic Security Act" or under any other federal act
- 30 which provides for civil and public works projects.

31 (b) When formulating an annual budget estimate, the proper officers
 32 of a political subdivision shall prepare an estimate of the amount of
 33 revenue that the political subdivision will receive under a development
 34 agreement (as defined in IC 36-1-8-9.5) for and during the budget year
 35 for which the budget is being formulated. Revenue received under a
 36 development agreement may not be used to reduce the political
 37 subdivision's maximum levy under IC 6-1.1-18.5 but may be used at
 38 the discretion of the political subdivision to reduce the property tax
 39 levy of the political subdivision for a particular year.

40 **(c) For budgets adopted after the township board of a township**
 41 **is abolished under IC 36-6-6-1, the county fiscal body shall fix the**
 42 **budget, tax rate, and tax levy for the township.**



SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body shall publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board **(before the township board is abolished under IC 36-6-6-1) or the county fiscal body (after the township board is abolished under IC 36-6-6-1)** shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

SECTION 7. IC 6-1.1-17-5, AS AMENDED BY P.L.119-2012, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:



(1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) November 1 if a resolution adopted under section 5.6(d) of this chapter is in effect.

(2) The proper officers of all other political subdivisions that are not school corporations, not later than November 1.

(3) The governing body of a school corporation (other than a school corporation described in subdivision (1)) that elects to adopt a budget under section 5.6 of this chapter for budget years beginning after June 30, 2011, not later than the time required under section 5.6(b) of this chapter for budget years beginning after June 30, 2011.

(4) The governing body of a school corporation that is not described in subdivision (1) or (3), not later than November 1.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget. **For budgets adopted after the township board is abolished under IC 36-6-6-1, the county fiscal body shall fix the budget, tax rate, and tax levy for the township.**

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political



subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 8. IC 13-11-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 86. "Fiscal body" means:

(1) the county council, for a county not having a consolidated city;

(2) the city-county council of a consolidated city and county;

(3) the common council of a city;

(4) the town council of a town;

(5) ~~the township board, of for a township:~~

(A) the township board, before the township board is abolished under IC 36-6-6-1; and

(B) the county fiscal body, after the township board is abolished under IC 36-6-6-1; or

(6) the board of directors of a conservancy district.

SECTION 9. IC 36-1-2-6, AS AMENDED BY P.L.186-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "Fiscal body" means:

(1) county council, for a county not having a consolidated city;

(2) city-county council, for a consolidated city or county having a consolidated city;

(3) common council, for a city other than a consolidated city;

(4) town council, for a town;

(5) ~~township board, for a township:~~

(A) the township board, before the township board is abolished under IC 36-6-6-1; and

(B) the county fiscal body, after the township board is



abolished under IC 36-6-6-1;

(6) governing body or budget approval body, for any other political subdivision that has a governing body or budget approval body; or

(7) chief executive officer of any other political subdivision that does not have a governing body or budget approval body.

SECTION 10. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means: ~~the~~

(1) ~~the~~ board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;

(2) ~~the~~ county council, for a county subject to IC 36-2-3.5;

(3) ~~the~~ city-county council, for a consolidated city or county having a consolidated city;

(4) ~~the~~ common council, for a city other than a consolidated city;

(5) ~~the~~ town council, for a town;

(6) ~~township board~~, for a township:

(A) the township board, before the township board is abolished under IC 36-6-6-1; and

(B) the county fiscal body, after the township board is abolished under IC 36-6-6-1;

(7) ~~the~~ governing body of any other political subdivision that has a governing body; or

(8) ~~the~~ chief executive officer of any other political subdivision that does not have a governing body.

SECTION 11. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to all townships.

(b) The township boards in each county are abolished and the terms of all township board members are terminated as follows:

(1) In the case of a township board for which members were elected in 2010, the township board is abolished on January 1, 2015.

(2) In the case of a township board for which members were elected in 2012, the township board is abolished on January 1, 2017.

(c) After the township board is abolished as provided in subsection (b):

(1) the county fiscal body is the fiscal body and legislative body of each township in the county; and

(2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township



1 boards, including the authority to adopt the township's annual
 2 budget and to levy township property taxes for township
 3 funds.
 4 (d) The abolishment of a township board under subsection (b)
 5 does not invalidate:
 6 (1) any resolutions, fees, schedules, or other actions adopted
 7 or taken by the township board before the township board is
 8 abolished under subsection (b); or
 9 (2) any appointments made by the township board before the
 10 township board is abolished under subsection (b).
 11 (e) After a township board is abolished under subsection (b),
 12 any reference:
 13 (1) in the Indiana Code;
 14 (2) in the Indiana Administrative Code; or
 15 (3) in any resolution, contract, or other document;
 16 to the township board shall be considered a reference to the county
 17 fiscal body.
 18 (f) The budget of a township adopted by the county fiscal body
 19 after the township board is abolished under subsection (b) is not
 20 subject to review under IC 6-1.1-17-3.5.
 21 SECTION 12. An emergency is declared for this act.

